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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ryuichiro MAEYAMA et al.

Group Art Unit: 1773

Application No.: 09/977,298

Examiner: K. Kruer

Filed: October 16, 2001

Docket No.: 110894

For: HEAT RESISTANT RESIN FILM WITH METAL THIN FILM,  
MANUFACTURING METHOD OF THE RESIN FILM, ENDLESS BELT,  
MANUFACTURING METHOD OF THE BELT, AND IMAGE FORMING  
APPARATUS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the April 22, 2003 Restriction Requirement, Applicants provisionally elect Group II, claims 9-16, 19-21, 24 and 25, with traverse.

According to MPEP §803, there are two requirements that must be met before a proper Restriction Requirement may be made. These two requirements are: "The inventions must be independent . . . or distinct as claimed; and there must be a serious burden on the Examiner if restriction is not required . . . " (emphasis added). Applicants respectfully submit that the Office Action has also failed to establish the second requirement set forth in MPEP §803, that a serious burden exists on the Examiner if restriction is not required between the Groups of claims.

In the present application, the product claims of Group II recite limitations of the process of the claims of Group I. Thus, the search for the subject matter of the claims of provisionally elected Group II will necessarily include a search for the subject matter of the claims of Group I.

In view of this, it is respectfully asserted that the search and examination of the entire application could be made without serious burden. MPEP §803 states that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added).

Moreover, as the non-elected process claims of Group I presently include all of the limitations of the elected product claims of Group II, Applicants respectfully submit that upon allowance of the product claims, the process claims must be rejoined with the application and should be similarly allowed.

For at least the foregoing reasons, and in order to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn. Early and favorable action on the merits with respect to all of pending claims 1-25 is respectfully requested.

Respectfully submitted,



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JAO:CWB/cwb

Date: May 20, 2003

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